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Cronan O'Connell
Vice President-Federal Regulatory

FILING VIA ECFS

August 31, 2005

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Room TW B-204
445 12th Street, S.W.
Washington, DC 20554

Re: *In the Matter of E911 Requirements for IP-Enabled Service Providers*,
WC Docket No. 05-196 – **Subscriber Notification Report**

Dear Ms. Dortch:

In its recent Public Notice¹ the Enforcement Bureau of the Federal Communications Commission ("Commission") provided further guidance to providers of interconnected voice over Internet protocol ("VoIP") service regarding enforcement of subscriber affirmative acknowledgement requirements, as set forth in the Commission's *VoIP E911 Order*.² Specifically, the Enforcement Bureau announced that it would refrain, for an additional 30 days until September 28, from enforcing the subscriber acknowledgement requirements under certain conditions. First, a VoIP provider must have filed an August 10, 2005 Report, which Qwest Communications Corporation ("Qwest") did. Secondly, a VoIP provider must file additional Reports by or before September 1, 2005 and September 22, 2005, containing information regarding compliance with notice and warning sticker mailings, if the VoIP provider had failed to meet an earlier-established July 29, 2005 deadline (Qwest did meet that deadline); quantifications of percentages of affirmative acknowledgements and an estimation of expected acknowledgements by September 28, 2005; descriptions of actions the provider plans to take to secure outstanding acknowledgements; and whether or not the provider intends to use a "soft" or "warm" disconnection model with respect to customers who have not acknowledged the E911 advisory by September 28, 2005.

¹ *Enforcement Bureau Provides Further Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning Enforcement of Subscriber Acknowledgement Requirement*, WC Docket Nos. 04-36, 05-196, Public Notice, DA 05-2358 (rel. Aug. 26, 2005).

² *In the Matters of IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers*, WC Docket Nos. 04-36, 05-196, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245 (2005) ("*VoIP E911 Order*"), *appeal pending sub nom., Nuvio Corp. v. FCC*, No. 05-1248 (D.C. Cir. *pet. for rev. filed* July 11, 2005).

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Attached to this correspondence is a "Subscriber Notification and Acknowledgement Status and Compliance Report." Should the Commission have any questions regarding its content, please contact me at the above-indicated contact information.

Sincerely,

/s/ Cronan O'Connell

Attachment

cc: Byron McCoy (byron.mccoy@fcc.gov)
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Janice Myles (janice.myles@fcc.gov)
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Subscriber Notification and Acknowledgement Status and Compliance Report

- **A detailed explanation regarding current compliance with the notice and warning sticker requirements *if* the provider did not notify and issue warning stickers or labels to 100% of its subscribers by the July 29, 2005 deadline.**

Qwest provided the E911 advisory and warning stickers by the July 29, 2005 deadline to 100% of its business and residential customers.

- **A quantification of the percentage of the provider's subscribers that have submitted affirmative acknowledgments as of the date of the September 1, 2005 and September 22, 2005 reports and an estimation of the percentage of subscribers from whom the provider does not expect to receive an acknowledgement by September 28, 2005.**

As of August 30, 2005 approximately 98 percent of Qwest's active business VoIP customers and 96 percent of Qwest's active consumer customers had provided an affirmative acknowledgement. Qwest has no way to determine what percentage of the remaining active customers will not affirmatively acknowledge by September 28, 2005.

- **A detailed description of any and all actions the provider plans to take towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory.**

Qwest is currently contacting each of its customers that have yet to affirmatively acknowledge the E911 advisory. The contacts may be in the form of phone calls, email, or in some instances visiting the customer in person.

- **A detailed description of any and all plans to use a "soft" or "warm" disconnect (or similar) procedure for subscribers that fail to provide an affirmative acknowledgement by September 28, 2005.**

At this time, Qwest is still evaluating a possible "soft" or "warm" disconnect functionality that would allow E911 calls to continue to go to the proper PSAP as they do today while blocking all other outgoing calls. Absent a "soft" disconnect, in the event that Qwest suspends or terminates service to any customer in connection with consumer customer E911 acknowledgements, the customer would not be able to utilize the service in any fashion until the customer acknowledges the E911 advisory and the customer's service has been reinstated.